

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1, 3-4 and 18-36 are currently under examination. By the above amendment, claims 1, 21, 23-24, 26 and 28-36 have been canceled and claims 3, 11, 20, 22, 25 and 27 have been amended to focus the claimed subject matter specifically on that indicated by the Examiner as allowable. The amendments, however, are not to be construed as acquiescence with regard to the Examiner's grounds for rejection and are made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application. As requested, formalized Drawings are provided herewith.

SPECIFICATION

The Examiner objected to the specification on the basis that Figure 12B is not described in the section of the Brief Description of the Drawings or any part of the specification.

Applicants respectfully traverse this objection and submit that a description of Figure 12B is indeed present Brief Description of the Drawings of the application as filed and would be recognized as such by an individual having skill in the art. More particularly, the Brief Description of Figure 12, beginning at page 10, line 18, states that, "Figures 12A(1), 12A(2), 12A(3), and B are the full-length cDNA (SEQ ID NO:591) and predicted amino acid (SEQ ID NO:592) sequences, respectively, for the clone P788P." From this description, it would be clear to the skilled artisan that Figure 12B represents the amino acid sequence (SEQ ID NO: 592) for the clone P788P. Applicants have nevertheless amended this description to offer further clarity in this regard, such that the description of Figure 12B now states, "Figures 12A(1), 12A(2) and 12A(3) depict the full-length cDNA sequence (SEQ ID NO:591) for the clone P788P, and Figure 12B depicts the predicted amino acid (SEQ ID NO:592) sequence for the clone P788P." Reconsideration is respectfully requested.

PRIORITY

According to the Examiner, the earliest prior application in which the claimed sequence of SEQ ID NO: 110 is found disclosed is Application 09/115,453, filed July 14, 1998. On this basis, the Examiner granted Applicants' claims an earliest priority date of July 14, 1998.

Applicants respectfully traverse this finding by the Examiner and submit that SEQ ID NO: 110 was first disclosed in U.S. Application No. 09/020,956, filed February 9, 1998. Enclosed for the Examiner's convenience is a copy of U.S. Patent No. 6,261,562, that issued from Application No. 09/020,956, filed February 9, 1998. It is clear from U.S. Patent No. 6,261,562 that SEQ ID NO: 110, a 3410 base pair DNA sequence corresponding to the prostate tumor antigen P501S, as currently claimed, was indeed disclosed in the application as filed, that is, in Application No. 09/020,956, filed February 9, 1998. Applicants thus respectfully submit that the priority date to which the instant claims are entitled is February 9, 1998, not July 14, 1998, as asserted by the Examiner. Accordingly, Applicants respectfully request reconsideration of the Examiner's holding and request that the Examiner acknowledge the correct priority date for the instant claims as February 9, 1998.

As set forth above, Applicants have amended the specification by removing reference in the priority claim to applications filed prior to February 9, 1998.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-4, 11, 18-19, 21, 23-24, 26-29, 31, 33-34 and 36 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Billing-Medel, in U.S. Patent No. 6,130,043, filed May 1, 1998, claiming priority to U.S. Application Ser. No. 08/850,713, filed May 2, 1997. More particularly, the Examiner asserts that Billing-Medel discloses vectors as well as polypeptide portions including 351-547, 351-472, 376-384, 370-379, 411-486, 306-322, 453-472, 463-472, 543-553 and 439-459 of the polypeptide encoded by SEQ ID NO: 110.

Applicants respectfully traverse this rejection. However, by the above amendment, and in the interest of advancing prosecution of the subject application, Applicants have canceled claims 1, 21, 23, 24, 26 and 28-36, without acquiescing to the state grounds for

rejection and without prejudice to prosecution of this subject matter in a related application. The rejection of these claims is now moot.

Applicants acknowledge and thank the Examiner for the indication that claims 20, 22, 25, 30, 32 and 35 would be allowable if rewritten so as not to depend from a rejected base claim and to include all of the limitations of the base claim and any intervening claims. Applicants have accordingly amended the claims, as set forth in the above amendment, to remove dependency from rejected base claims and to focus the claimed invention on the subject matter specifically indicated by the Examiner as allowable. Applicants thus respectfully submit that the remaining claims are clearly in condition for allowance.

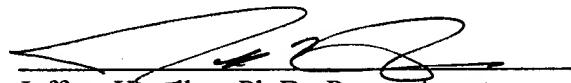
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Jiangchun Xu et al.

SEED Intellectual Property Law Group PLLC



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Enclosure:

Postcard
Copy of Patent No. 6,261,562
Formal Drawings (Figs. 1-12B, 14 pages)

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